

1 RONALD CUPP,  
2 Plaintiff,  
3 v.  
4 LEXISNEXIS SOLUTIONS, et al.,  
5 Defendants.

6 Case No. 24-cv-00833-JD

7 **ORDER RE EARLY WARNING  
8 SERVICES, LLC'S MOTION TO  
9 DISMISS**

10 Pro se plaintiff Ronald Cupp has sued several consumer reporting agencies that are said to  
11 have reported inaccurate information about a bankruptcy proceeding involving him. *See generally*  
12 Dkt. No. 1. On April 29, 2024, Early Warning Services, LLC (EWS) moved to dismiss the  
13 complaint under Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim upon which  
14 relief can be granted. *See* Dkt. No. 38. Plaintiff Cupp's opposition was due by May 13, 2024, but  
15 he did not file one. Despite filing two case-management statements in the time since, Dkt. Nos.  
16 46-47, Cupp has still yet to respond to the motion. "To be sure, [Cupp] gets some leeway as a pro  
17 se litigant," *Harrison v. City of Salinas*, No. 23-cv-903-JD, 2024 WL 1024739, at \*2 (N.D. Cal.  
18 Mar. 7, 2024), but the record supportably shows that (1) the day after EWS's motion, Cupp  
19 properly opposed a different defendant's motion to dismiss, *see* Dkt. No. 39; and (2) Cupp's case-  
20 management statement, filed after the deadline for his opposition, explicitly acknowledged EWS's  
21 pending motion, *see* Dkt. No. 47 at 3.

22 Consequently, the complaint is dismissed without prejudice as to EWS pursuant to Federal  
23 Rule of Civil Procedure 41(b) for failure to comply with court-ordered deadlines.

24 **IT IS SO ORDERED.**

25 Dated: February 26, 2025

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JAMES DONATO  
United States District Judge